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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 PRESIDIO GROUP, LLC, et al.,

11 Plaintiffs,

12 v.

13 LAND AMERICA FINANCIAL
14 GROUP, INC., d/b/a, LAND AMERICA
LAWYERS TITLE,

15 Defendant.
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CASE NO. C08-5359BHS

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT'S MOTION
FOR A MORE DEFINITE
STATEMENT PURSUANT TO
FRCP 12(e) AND TO STRIKE
PURSUANT TO FRCP 12(f)

17 This matter comes before the Court on Defendant's Motion for a More Definite
18 Statement Pursuant to FRCP 12(e) and to Strike Pursuant to FRCP 12(f). Dkt. 12. The
19 Court has considered the pleadings filed in support of and in opposition to the motion and
20 the remainder of the file and hereby grants in part and denies in part the motion for the
21 reasons stated herein.

22 **I. PROCEDURAL BACKGROUND**

23 On June 5, 2008, Plaintiffs filed a complaint against Defendant Land America.
24 Dkt. 1. The complaint is 175 pages and appears to allege violations of the Racketeer
25 Influenced and Corrupt Organizations Act of 1970 ("RICO"), 18 U.S.C. §§ 1961-1968.
26 *Id.*
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1 On July 17, 2008, Defendant filed a Motion for a More Definite Statement
2 Pursuant to FRCP 12(e) and to Strike Pursuant to FRCP 12(f). Dkt. 12. On July 25,
3 2008, Plaintiffs responded. Dkt. 13.

4 **II. DISCUSSION**

5 **A. More Definite Statement**

6 A pleading that states a claim for relief must contain: (1) a short and plain
7 statement of the grounds for the court's jurisdiction; (2) a short and plain statement of the
8 claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought,
9 which may include relief in the alternative or different types of relief. Fed. R. Civ. P.
10 8(a). A party may move for a more definite statement of a pleading to which a responsive
11 pleading is allowed but which is so vague or ambiguous that the party cannot reasonably
12 prepare a response. Fed. R. Civ. P. 12(e).

13 Defendant argues that “the claims of the Plaintiffs in the Complaint are so vague,
14 unnecessarily complex and ambiguous that [Defendant] can not reasonably be required to
15 frame an effective responsive pleading” Dkt. 12 at 3. The Court agrees. Plaintiffs
16 are ordered to comply with the “short and plain” mandates of Fed. R. Civ. P. 8(a).

17 **B. Motion to Strike**

18 The court may strike from a pleading an insufficient defense or any redundant,
19 immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f).


20 Defendant may point out what it is redundant, immaterial, impertinent, or
21 scandalous once it can be determined what is relevant. Therefore, Defendant’s motion to
22 strike is denied.

23 **III. ORDER**

24 Therefore, it is hereby
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1 **ORDERED** that Defendant's Motion for a More Definite Statement Pursuant to
2 FRCP 12(e) and to Strike Pursuant to FRCP 12(f) (Dkt. 12) is **GRANTED in part** and
3 **DENIED in part** as stated herein.

4 DATED this 25th day of August, 2008.

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8 BENJAMIN H. SETTLE
9 United States District Judge
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